IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 15263 of 2007(P)

PETITIONER:

M/S.AANCYL KC MARINE & FARM PRODUCTS
EXPORTERS (P) LTD.,SOUTH KOLLAMKODE,
POZHIYOOR,THIRUVANANTHAPURAM DISTRICT,
PIN-695 513.REP.BY ITS CHAIRMAN AND
MANAGING DIRECTOR P.B.SIVADAS.

BY ADV. SRI.G.HARIHARAN

RESPONDENTS:
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1. DEPUTY TAHSILDAR (RR),
REVENUE RECOVERY,
NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT.

2. VILLAGE OFFICER,
KULATHUR VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

3. SPECIAL OFFICER (REVENUE),
K.S.E.B.,VYDYUTHI BHAVAN,
PATTOM PALACE P.O.,
THIRUVANANTHAPURAM.
PIN-675 004.

ADDL. RESPONDENT:

4. M/S.TRAVANCORE TECHNO CRAFTS LTD.,
REGD. OFF. AT USTAVAMADOM BUILDING,
VADAKKENADAM, FORT P.O.,
TRIVANDRUM-23, REP. BY ITS MANAGING DIRECTOR
O.A.SUKUMARAN.

(ADDL. R4 IS IMPLEADED AS PER ORDER DT.29.5.2007
IN I.A. 6874/2007)

R1&2 BY G.P. SRI.P.N.SANTHOSH
R3 BY ADV. SRI.P.P.THAJUDEEN, SC
R4 BY ADV. SRI.SREEJITH S.NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF REPRESENTATION DT.31.7.2006 SENT BY PETITIONER ADDRESSED TO R3.

P2: TRUE COPY OF NOTICE ISSUED U/S.7 OF THE RR ACT AGAINST THE PETITIONER.

P3: RUE COPY OF THE NOTICE ISSUED U/S.34 .DO.

P4: TRUE COPY OF JUDGMENT IN WPC NO.32190/2006 DT.5.12.2006.

P5: TRUE COPY OF NOTICE ISSUED U/S.49(2) OF THE RR ACT PROPOSING TO SELL THE PROPERTIES OF THE PETIITONER COMPANY.

P6: TRUE COPY OF THE AFFIDAVIT SWORN TO BY SRI.O.A.SUKUMARAN, MANAGING DIRECTOR OF TRAVANCORE TECHNO CRAFTS (P) LTD., TRIVANDRUM EXPRESSING THE WILLINGNESS OF THE SAID COMPANY TO TAKE OVER THE PETITIONER COMPANY.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.15263 of 2007

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Dated this the 20th day of August, 2007.

JUDGMENT

The W.P. is filed challenging recovery proceedings for recovery of arrears of electricity dues. Since 4th respondent offered to take over the petitioner-company with the liabilities, this court granted conditional stay on payment of Rs.5 lakhs. Payment is not made and therefore, stay order expired. Counsel for the petitioner submitted that the financier which has advanced loan to the petitioner has not approved the scheme of take over. In the circumstances, respondents 1 to 3 are free to proceed with the sale of the property and recover the arrears. The W.P. is accordingly closed.

C.N.RAMACHANDRAN NAIR
Judge

pms